<u>REMARKS</u>

In the non-final Office Action, the Examiner makes the following objection and rejections:

- The specification is objected to due to the use of trademarks;

- Claims 24-30 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention;

- Claims 1-2, 4-6, 8-14, 16-20, 23-26, 28-31, 34-36, and 38-39 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over OR et al. (U.S. Patent Application Publication No. 2002/0067742) in view of BOWMAN-AMUAH (U.S. Patent No. 6,556,659); and

- Claims 3, 7, 15, 22, 27, 32-33, and 37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over OR et al. in view of BOWMAN-AMUAH, and further in view of GRAY et al. (U.S. Patent Application Publication No. 2008/0189353).

Applicants respectfully traverse the above objection and rejections.

By way of the present amendment, Applicants amend the specification and claims 1-39 to improve form. No new matter has been added by way of the present amendment. Claims 1-39 are pending.

<u>OBJECTION TO THE SPECIFICATION</u>

The Examiner objects to the Specification due to an alleged improper use of trademarked terms. While not acquiescing in this objection, Applicants amend the specification herein to address the Examiner's concerns. For at least the foregoing reason, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the specification.

<u>REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH</u>

Claims 24-30 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Office Action at p. 2 takes the position that the feature of the "inter-network gateway" in claim 24 lacks antecedent basis, and claims 25-30 are rejected as being dependent from claim 25. While not acquiescing in this rejection, Applicants amend claim 24 herein to address the Examiner's concerns. For at least the foregoing reasons, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 24 under 35 U.S.C. § 112, second paragraph.

Claims 25-30 depend from claim 24, and the Office Action does not allege separate clarity concerns for these dependent claims. Therefore, Applicants further respectfully request that the Examiner reconsider and withdraw the rejection of these claims for at least the reasons given above with respect to claim 24.

<u>REJECTION UNDER 35 U.S.C. § 103(A) OVER OR et al. IN VIEW OF BOWMAN-</u>

<u>AMUAH</u>

Claims 1-2, 4-6, 8-14, 16-20, 23-26, 28-31, 34-36, and 38-39 stand rejected under

35 U.S.C. § 103(a) as allegedly being unpatentable over OR et al. in view of BOWMAN-

AMUAH. Applicants respectfully traverse this rejection.

For example, amended independent claim 1 is directed to a method that includes

receiving, at a gateway device, a first communication from a first network that is

addressed for a network element of a second network, where the second network is based

on a different technology than the first network and where the gateway device comprises

a layer 3 gateway. The method includes transmitting the first communication from the

gateway device to the second network. The method also includes receiving, at the

gateway device, a second communication from the second network that is addressed for a

network element of the first network, and transmitting the second communication from

the gateway device to the first network. The method also includes periodically polling

the gateway device to obtain operating parameters related to the first and the second

communications between the first and second networks, and analyzing the operating

parameters. The method further includes generating a health report related to stability of

at least the gateway device, the health report being based upon analysis of the operating

parameters. OR et al. and BOWMAN-AMUAH, whether taken alone or in any

reasonable combination, do not disclose or suggest this combination of features.

For example, OR et al. and BOWMAN-AMUAH, whether taken alone or in any

reasonable combination, do not disclose or suggest "periodically polling the gateway

device to obtain operating parameters related to the first and the second communications

between the first and second networks." In addressing the feature in original claim 1 of "periodically polling the gateway device to obtain operating parameters related communications between the first and second networks," the Office Action relies on OR et al. at FIG. 1 and at paragraphs 0006-0008 as allegedly disclosing this feature (Office Action at p. 3). Applicants respectfully disagree.

At FIG. 1, OR et al. discloses, for example, a wireless application protocol (WAP) gateway device 12. As described, for example at paragraph 0027 of OR et al., "the main WAP gateway functions can be defined as follows: WAP translation; WAP security; WAP rerouting; WAP user access over RADIUS protocol; and network characteristics and parameters." The WAP gateway device includes a simple network management protocol (SNMP) agent 14 and a local management information base (MIB) 16. The WAP gateway device 12 connects, via a network 20, to a central server 22 that includes a management process 18, a central MIB 24, and a MIB browser 26. As described, for example, at paragraphs 0033-0034 and 0044, the local MIB 16 stores commands and definitions for operation of the WAP gateway device 12. By itself, FIG. 1 provides no relevant disclosure or suggestion related to polling the gateway device, which the Office Action alleges to correspond to OR et al.'s WAP gateway device 12, to obtain operating parameters related to communications between a first and a second network. In particular, the Office Action at p. 3 took the position that the WAP gateway device 12 bridges communications between a cellular network and a data network (such as the Internet), but FIG. 1 does not disclose or suggest polling the WAP gateway device 12 to obtain operating parameters related to communications between the networks. Furthermore, there is certainly no disclosure or suggestion in FIG. 1 of OR et al. of any

type of periodically polling of the gateway device since neither FIG. 1 nor the associated

sections of OR et al. disclose or suggest when the alleged polling of the WAP gateway

device 12 occurs. For at least these reasons, FIG. 1 of OR et al. does not disclose or

suggest the features of "periodically polling the gateway device to obtain operating

parameters related to the first and the second communications between the first and

second networks," as recited in claim 1.

OR et al. at paragraph 0006-0008 discloses:

[0006] The best way to define the management system for Internet
network devices such as routers or gateways is to define the specified
Management Information Base (MIB) of that device according to Simple
Network Management Protocol (SNMP, as described in RFC 1157,
Simple Network Management Protocol (SNMP). J. D. Case, M. Fedor, M.
L. Schoffstall, C. Davin. May 1, 1990). SNMP is a widely used
mechanism to manage networks and network devices of different types.
SNMP is a connectionless protocol, which is designed to operate over
UDP (User Datagram Protocol, as described in RFC 768, J. Postel, August
1980). It is typically implemented with an agent process (or "SNMP
agent"), which collects specific types of data and information about the
network device which is being managed according to SNMP, and a
management process for managing the network device. The local data is
collected by the management process through the use of two commands:
GET (and the corresponding command, GET-NEXT), which enables the
management process to retrieve object values from the SNMP agent; and
SET, which enables the management process to set these object values. In
addition, the TRAP command enables the SNMP agent to report an event
to the management process. The SNMP agent must also send a
RESPONSE to the management process upon receiving one of the first
two management process commands.

[0007] The collected data is then stored in a central database by the
management process. The management process is then able to perform
various actions and to collect and report the data according to a central
MIB, which therefore enables network operators to manage and control
the functions of each network device. The MIB actually defines the data
which can be collected about the network according to SNMP. The MIB
itself is structured like a tree, which the most general information available
at the root of the tree, with more detailed information at each branch, and

finally information about each network device is determined at a leaf or node of the MIB tree.

[0008] In particular, the use of the MIB enables the network operators to perform such functions as configuring network devices; determining the state of network devices; collecting and reviewing performance statistics of network devices; changing one or more important parameters, whether "on the fly" or on a non-realtime basis; and rebooting a network device which is exhibiting suspicious behavior. Of course other such functions would also be possible if WAP gateways could be managed by using SNMP with an associated MIB. Unfortunately, no standard exists for enabling WAP gateways to be managed with an MIB through SNMP.

This section of OR et al. discloses, for example, that the MIB of a device may be defined through SNMP. SNMP is implemented through an agent that collects data about the device and a management process for managing the device. The collected data is stored in a central MIB, and the management process is then able to perform various actions and to collect and report the data according to the central MIB. For example, the network operators can use the MIB to perform functions, such as configuring the device, determining the state of the device, collecting and reviewing performance statistics, and changing one or more important parameters. However, paragraphs 0006-0008 of OR et al. do not disclose or suggest polling a gateway device to obtain operating parameters related to communications between two networks. Although the Office Action at p. 3 alleges that polling was disclosed by the SNMP and MIB being used to change parameters on network devices, network device parameters can be changed without polling a gateway device to obtain operating parameters. For example, a network device may receive new configuration instructions without any knowledge of the device's prior configuration. Furthermore, there is certainly no disclosure or suggestion in paragraphs 0006-0008 of OR et al. regarding periodically polling of the gateway device since this

and other sections of OR et al. do not disclose or suggest when the alleged polling of the gateway device occurs. For at least these reasons, paragraphs 0006-0008 of OR et al. do not disclose or suggest the features of "periodically polling the gateway device to obtain operating parameters related to the first and the second communications between the first and second networks," as recited in claim 1.

Furthermore, OR et al. and BOWMAN-AMUAH, whether taken alone or in any reasonable combination do not disclose or suggest, for example, "analyzing the operating parameters." The Office Action again relies on OR et al. at FIG. 1 and at paragraphs 0006-0008 as allegedly disclosing this feature (Office Action at p. 3). Specifically, the Office Action identifies SNMP, TRAP command, management process collecting and reporting data, and MIB as allegedly disclosing or suggesting this feature. Applicants respectfully disagree.

FIG. 1 of OR et al. is described above, and depicts, for example, a WAP gateway device 12 with an SNMP agent 14 and a MIB 16. The WAP gateway device 12 connects, via a network 20, to a central server 22 that includes a management process 18, a central MIB 24, and a MIB browser 26. Even if the collection of data from the MIB 16 could arguably be considered polling the gateway device to obtain operating parameters related to communications between two diverse networks (a point Applicants do not concede for at least the reasons presented above), FIG. 1 of OR et al. does not disclose or suggest, in any way, analyzing the polled operating parameters. For at least these reasons, FIG. 1 does not disclose or suggest the feature of "analyzing the operating parameters," as recited in claim 1.

OR et al. at paragraph 0006-0008 is also previously discussed. As described

above, the section of OR et al. discloses, for example, that the MIB of a device may be

defined through SNMP that is implemented through an agent that collects data about the

device and a management process for managing the device. The collected data is stored

in a central MIB, and the management process is then able to perform various actions and

to collect and report the data according to the central MIB. As described above,

paragraphs 0006-0008 of OR et al. do not disclose or suggest polling a gateway device to

obtain operating parameters related to communications. Moreover, this section of OR et

al. also does not disclose or suggest analyzing the operating parameters. Although the

Office Action at p. 3 alleged that a TRAP command can be used for analyzing the

operating parameters, paragraph 0006 of OR et al. discloses only that the "TRAP

command enables the SNMP agent to report an event to the management process." There

is not disclosure or suggestion in paragraphs 0006-0008 of OR et al. that an "event"

includes operating parameters related to communications between two networks or that

the reporting of the event includes analyzing the operating parameters. For at least these

reasons, paragraphs 0006-0008 of OR et al. do not disclose or suggest the feature of

"analyzing the operating parameters," as recited in claim 1.

The disclosure of BOWMAN-AMUAH does not remedy the above-described

deficiencies in OR et al.

Furthermore, OR et al. and BOWMAN-AMUAH, whether taken alone or in any

reasonable combination, do not disclose or suggest, for example, "generating a health

report related to stability of at least the gateway device, the health report being based

upon analysis of the operating parameters." In addressing the feature in original claim 1

of "generating a health report related to at least the gateway device, the health report

being based upon analysis of the operating parameters," the Office Action admitted that

OR et al. did not disclose or suggest this feature, but alleged that BOWMAN-AMUAH

provided relevant disclosure at the Abstract and at paragraphs 0264-0265. (Office Action

at p. 4). Applicants respectfully disagree.

As an initial observation, Applicants note that although the Office Action at pp.4-

6 cites to paragraphs in BOWMAN-AMUAH, this reference does not include paragraph

numbering. Therefore, Applicants cannot readily identify the particular sections of

BOWMAN-AMUAH relied upon by the Examiner in the Office Action. Therefore,

Applicants respectfully request that the Examiner in future Actions, if any, cites to

relevant sections of BOWMAN-AMUAH by column and line number, as suggested in

MPEP § 706.02(j).

BOWMAN-AMUAH at the Abstract discloses the following:

> A Service Level Management system is provided. A notification of a
> service level problem within a combination packet-switching and circuit-
> switching hybrid network is received by the system. The service level
> agreement is retrieved and the problem is checked against the agreement
> to determine if the agreement has been met. The notification of the
> problem is prioritized with a second notification of a second service level
> problem based on a number of times the agreement has not been met.
> Next, a resolution for the service level problem within the hybrid network
> is determined. The resolution may include a status report, resolution
> notification, problem reports, service reconfiguration, trouble notification,
> service level agreement violations, and/or outage notification. The
> progress of the implementation of the resolution is tracked. Finally, the
> hybrid network is managed based on the future predicted behavior of the
> network.

BOWMAN-AMUAH at this and other sections disclose, for example, that when a

notification of a service level problem is received, a service level agreement can be

retrieved and used to address the problem. As described in BOWMAN-AMUAH, for

example at FIG. 1D, service level problem include SLA violations that relate, for

example, to configuration settings related to the handling of communications. Thus, the

SLA violations do not relate to the stability of a network. As further described in

BOWMAN-AMUAH, for example at FIG. 15A, service level problem may further

include fault management. As described in BOWMAN-AMUAH at col. 49, ll. 12-67,

fault management similar includes creating a fault message based on correlated events

(box 1558) and taking actions, such as resolving the cause for the fault, taking corrective

steps, storing problem-related data, and allowing faults to be viewed on a network map

(for example, BOWMAN-AMUAH at col. 49, ll. 53-67). Resolving of the problem can

include forming a status report and a problem report identifying the service level problem

and identifying a current service level conditions (for example, BOWMAN-AMUAH at

claim 9). However, these and other sections of BOWMAN-AMUAH do not disclose or

suggest a health report related to stability of a network. For at least these reasons, these

and other sections of BOWMAN-AMUAH do not disclose or suggest "generating a

health report related to stability of at least the gateway device, the health report being

based upon analysis of the operating parameters," as recited in amended claim 1.

For at least these reasons, the disclosure of BOWMAN-AMUAH does not remedy

the above deficiencies in the disclosure of OR et al. Therefore, even if BOWMAN-

AMUAH were hypothetically combined with OR et al., such a combination could not

fairly be construed to disclose or suggest, for example, the above features of claim 1.

Further, even if for the sake of argument, the combination of the BOWMAN-AMUAH

with OR et al. could fairly be construed to disclose each of the features of claim 1,

Applicants note that the reasons for combining BOWMAN-AMUAH with OR et al. do

not satisfy the requirements of 35 U.S.C. § 103.

For example, with respect to the reasons for combining BOWMAN-AMUAH

with OR et al., the Examiner alleges the following (Office Action, p. 7):

> Accordingly it would have been obvious for one of ordinary skill in the
> networking art to modify or incorporate Bowman's teachings of status and
> problem reporting with the teachings of Or to provide for a more efficient
> management system.

Applicants submit that the Examiner's allegation is merely a conclusory statement. Such

conclusory statements have been repeatedly held to be insufficient for establishing a

prima facie case of obviousness. <u>See, for example</u>, <u>KSR International Co. v. Teleflex</u>

<u>Inc.</u>, 550 U.S. 398 (April 30, 2007) (citing <u>In re Kahn</u>, 441 F.3d 977, 988 (Fed. Cir.

2006)), where it was held that rejections on obviousness grounds cannot be sustained by

mere conclusory statements, and instead, there must be some articulated reasoning with

some rational underpinning to support the legal conclusion of obviousness.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable

over OR et al. and BOWMAN-AMUAH, whether taken alone or in any reasonable

combination.

Claims 2, 4-6, and 8-13 depend from claim 1. Therefore, Applicants submit that

claim 2, 4-6, and 8-13 are also patentable over OR et al. and BOWMAN-AMUAH for at

least reasons similar to reasons given above with respect to claim 1.

Claims 14, 24, and 31, although different in scope, recite features similar to

features recited above with respect to claim 1. Therefore, Applicants submit that these

claims are also separately patentable over OR et al. and BOWMAN-AMUAH for at least reasons similar to reasons given above with respect to claim 1.

Claim 16-20, 23, 25-26, 28-30, 34-36, and 38-39 depend from one of claims 14, 24, and 31. Therefore, claims 16-20, 23, 25-26, 28-30, 34-36, and 38-39 are patentable over OR et al. and BOWMAN-AMUAH, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14, 24, and 31.

For at least the foregoing reasons, Applicants request that the rejection of claims 1-2, 4-6, 8-14, 16-20, 23-26, 28-31, 34-36, and 38-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over OR et al. in view of BOWMAN-AMUAH be reconsidered and withdrawn.

<u>REJECTION UNDER 35 U.S.C. § 103(A) OVER OR et al. IN VIEW OF BOWMAN-</u>

<u>AMUAH and GRAY et al.</u>

Claims 3, 7, 15, 22, 27, 32-33, and 37 stand rejected under 35 U.S.C. § 103(a) as

allegedly being unpatentable over OR et al. in view of BOWMAN-AMUAH, and further

in view of GRAY et al.

Each of claims 3, 7, 15, 22, 27, 32-33, and 37 depends from claims 1, 14, 24, or

31. The disclosure of GRAY et al. does not remedy the deficiencies in the disclosure of

OR et al. and BOWMAN-AMUAH set forth above with respect to claims 1, 14, 24, and

31. While not acquiescing in this rejection , claims 3, 7, 15, 22, 27, 32-33, and 37 are

patentable over OR et al., BOWMAN-AMUAH, and GRAY et al., whether taken alone

or in any reasonable combination, for at least the reasons given above with respect to

claim 1, 14, 24, and 31. For at least the foregoing reasons, Applicants request that the

rejection of claims 3, 7, 15, 22, 27, 32-33, and 37 under 35 U.S.C. § 103(a) as allegedly

being unpatentable over OR et al. in view of BOWMAN-AMUAH and further in view of

GRAY et al. be reconsidered and withdrawn.

<u>CONCLUSION</u>

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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